

Arroyo Ad Hoc Committee

December 13, 2004

Committee

George Sarmiento
Bashar Abugalyon
Rick Cordova
John Walton
David LeMone
Yvonne Curry
Doug Schwartz
Lupe Mata
Kevin Von Finger

Support Staff

Fred Lopez
Chuck Kooshian
Pat Borrego

Mayor and Council
c/o Representative Robert Cushing
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

Re: Arroyo Ad Hoc Committee

Dear Representative Cushing:

On behalf of the Arroyo Ad Hoc Committee, we are respectfully requesting a 120 day extension for work by the committee. As you are aware, the committee which was officially established by City Council on August 31, 2004, was delayed, and provisions for additional members was approved at a subsequent City Council meeting. Although the partial membership began meeting on a limited basis, all final members were appointed and the full committee as a whole began meeting on November 8, 2004 at which time elections were held for chairs.

The committee has held excellent presentations and sessions with the National Park Service, the Corps of Engineers, and the Parks Department and is attempting discussions with Land Trusts and others.

Some of the progress and findings of the Committee to date include the following:

- ☐ Confirmation to the committee by the Corps of Engineers of their jurisdiction and current regulation of arroyos within the City of El Paso. Currently, all arroyos are processed and permitted through nationwide and individual permits through the Corps of Engineers and the Texas Commission of Environmental Quality (TCEQ) based on the extent of arroyo disturbance. Within the City of El Paso, preservation of arroyos has already occurred via Notice of Restrictions filed of record as well as mitigations by payment of monies to qualified state conservancies. The Committee recognizes and recommends the opportunity to investigate and assist the City of El Paso to establish and qualify "in kind" lands and be a beneficiary of mitigation funds rather than to East Texas;

- ☐ National Park Service has recommended the City investigate mechanisms for preservation such as through Land Trusts, Conservation Banking, Public Investment, and Revolving Loan Funds through the State. More information is required.
- ☐ Although stated by the private sector of land development and engineers that there has been the desire to allow for arroyos and drainage ways in their natural state, there currently is no mechanism by City Codes and Ordinances to allow for the conveyance of natural arroyos to the City of El Paso. All public drainage ways are currently required to be improved and fenced. Recommendations for ordinance revisions have been in process through the Engineering subcommittee and BZAC process to allow for incorporation of natural arroyos in developments. The Committee wishes to assist where possible and recommend that such ordinance revision progresses;
- ☐ Through discussions with the City Parks Department, the Committee recommends the opportunity to further investigate the consideration, facilitation and credits for the incorporation of arroyos into passive and active park facilities for trails, open space, etc;
- ☐ Many City thoroughfares as required and designated by the City Major Thoroughfare plan cross or parallel arroyos and require their disturbance. The Committee recommends the opportunity to further investigate thoroughfare impacts and mechanisms to facilitate realignments or development standards to assist in areas adjacent to arroyos;
- ☐ All major arroyos are designated on FEMA Flood Insurance Rate Maps (FIRM) and correlate with designations on USGS mapping. The Committee has determined the recommendation to utilize such mapping which can be currently referred to and recognized by any local, state, or federal agency.

Due to the magnitude of the scope, ordinance revisions currently being considered, criteria to be established and recommended, upcoming holidays, and the cooperative spirit of the Committee, we request your consideration of the 120 day extension to evaluate the various issues and complete the intent and a more comprehensive recommendation by the committee.



Committee Chairman



Planning Department

R E S O L U T I O N

WHEREAS, on August 31, 2004, the El Paso City Council herein has taken action allowing for the creation of an ad hoc committee to investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, define same, assess impact to commercial and residential development within and around such area, review impact to development within those areas, review various legal authority, planning and engineering data regarding same, and return to the El Paso City Council within 90 days with an appropriate ordinance;

WHEREAS, Council is of the determination that such committee should be for the sole purpose listed above and shall terminate upon completion of the assigned task; and

WHEREAS, such committee is to consist of three representatives of the El Paso Association of Builders as same may be chosen by the president of that association, Dr. David V. LeMone of the University of Texas at El Paso or his assign, an engineering representative, and a planning representative; and

WHEREAS, City Council herein finds that the proposed committee membership is chosen by Council, that such membership is representative of the will of Council, and is fair and uniform in nature as to the interests of each Council member;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

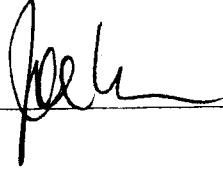
1. That a six person committee is herein formed, such committee to consist of three representatives of the El Paso Association of Builders as same may be chosen by the president of that association, Dr. David V. LeMone of the University of Texas at El Paso or his assign, an engineering representative from the City engineering department to be chosen by the City Engineer, and a planning representative from the Department of Planning, Research, & Development to be chosen by the Director of that department;
2. That this six person committee shall meet at least once a week, three persons necessary for purposes of a quorum, and shall investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, define same, assess impact to commercial and

residential development within and around such area, review impact to development within those areas, review various legal authority, planning and engineering data regarding same, and return to the El Paso City Council within 90 days with an appropriate ordinance;

3. Work to obtain recommendations, at a minimum, from the El Paso Development Coordinating Committee and El Paso City Plan Commission prior to presentation of an appropriate ordinance to Council;
4. Allow for administrative assistance from a member of the El Paso Representative District #2 office as well as the Department of Planning, Research, & Development.


ADOPTED this 31st day of August 2004.

THE CITY OF EL PASO



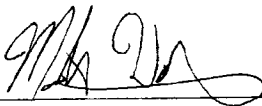
Joe Wardy
Mayor

ATTEST:



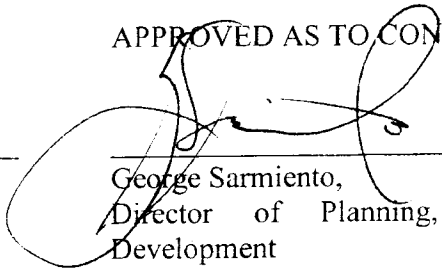
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



George Sarmiento,
Director of Planning, Research, &
Development